

Clinical Laboratory Personnel Committee
November 10, 2018 – 10:00 AM
Law Offices of Adams and Reese
Baton Rouge LA

Members Present: Cheryl Caskey; Beverly Ogden, MD; George Roberts; Larry Broussard; Gaye Brunson; Yolanda Bennett; Angela Foley; Ashley Ware; Debbie Burrows; Dr. Jim Taylor, LSBME

Guests Present: Grant Guillot (Adams and Reese); Patsy Jarreau, AD, CLPC; Josie Roberts; Alexa Little (CLIA); Michael Start (AAB); John Koch (AAB attorney); Kay Schank (AAB); and, Cary Koch (AAB attorney)

I. Call to Order

Meeting called to order at approximately 10:10 AM by Chair Caskey. A quorum was present.

II. Minutes of the Last Meeting

A motion to approve the minutes of the March 3, 2018 meeting which had been held over was accepted.

Motion by Dr. Beverly Ogden
Seconded by Dr. Larry Broussard
Motion passed; approved by all

A motion to approve the minutes of the July 14, 2018 meeting with typographical corrections was accepted.

Motion by Dr. Beverly Ogden
Seconded by Dr. Larry Broussard
Motion passed; approved by all

III. Introductions

Each committee member and visitor introduced himself/herself to the group and stated in what capacity they served the committee. Ms. Alexa Little was present as a consultant from CLIA. Mr. Cary Koch, Mr. John Koch, Mr. Michael Start, and Ms. Kay Schank were present to represent AAB.

IV. Appointments

The new educator position from the Louisiana Community and Technical College System has yet to be nominated. The Rural Family Practitioner has yet to be appointed; however, Dr. Jim Taylor stated that he had spoken to an individual who was potentially interested in serving in this position.

V. Office Update

There is a new Director of Investigations – Dr. Lawrence Cresswell – an attorney and an MD.

There is a new Compliance Counsel – Mr. Jim Hirtz – an attorney.

There is a new CLP Licensure Analyst – Ms. Christina Gillard.

There are several new investigators.

VI. AAB response to certification examination requirements

The letter in response to the LSBME letter was reviewed along with supporting documentation from AAB. Experiential requirements are again a part of the AAB certification process for full certification. However, individuals can still sit for the AAB exams without the experiential component and are certified as provisional. AAB representatives raised several questions until attorney Guillot stated that they were out of order and were only allowed to make comments but not question the CLPC members.

Ms. Jarreau stated that it was the position of the CLPC that AAB provisional members could apply for a trainee license that would allow them to obtain the experience required for full licensure to practice in Louisiana.

There was no motion for action.

VII. TB Skin testing

A discussion related to skin testing and whether medical laboratory personnel were qualified under their scope of practice to perform skin testing. Following this discussion, the general consensus was that skin testing is not in the scope of practice for medical laboratory personnel.

A motion was presented to be sent to the LSBME. The CLPC recommends to LSBME that skin testing is not within the scope of practice of medical laboratory personnel and that the following definition of skin testing be attached to the recommendation:

Skin Testing – A test carried out in allergic or immunologic conditions to identify the cause of immediate or delayed skin hypersensitivity. An allergic condition is one in which there is hypersensitivity to a certain agent identified as an allergen. The intradermal or Mantoux skin test is commonly used for tuberculosis and fungal infections and involves the injection of a premeasured amount of allergen intradermally. Allergen testing may also be performed by the patch (Vollmer), scratch, or tine methods to determine presence of immediate or delayed hypersensitivity. Definition provided by Dr. Roberts and subject to revision)

Motion by Dr. Beverly Ogden
Seconded by Ms. Angela Foley
Motion passed unanimously

Further discussion followed and the motion was amended to read:
Skin testing is not within the scope of practice of medical laboratory personnel and that the above definition of skin testing be attached to the recommendation. If the LSBME concurs with this recommendation, all licensed laboratories and personnel must be notified of this change by the Board.

Motion by Dr. Beverly Ogden
Seconded by Ms. Angela Foley
Motion passed unanimously

VIII. Lab Assistant with CLIA requirements – high complexity testing

Louisiana Revised Statutes Title 37 – Part II Clinical Laboratory Personnel #1312 Definitions (11) states thatThe laboratory assistant may perform high complexity tests under supervision as stated in the Clinical Laboratory Improvement Amendments of 1988 and the rules and regulations promulgated thereto.

Ms. Little pointed out that this is an error since CLIA rules state that laboratory assistants due to the required educational requirements are not qualified to perform high complexity testing and that the CLPC rule is thus not in agreement with the federal CLIA.

A motion was presented: The CLPC recommends to the LSBME that section of the Louisiana Revised Statutes Title 37 be revised as follows to bring it into compliance with federal CLIA: The laboratory assistant may **NOT** perform high complexity tests ~~under supervision~~ as stated in the Clinical Laboratory Improvement Amendments of 1988 and the rules and regulations promulgated thereto.

Motion by Ms. Gaye Brunson
Seconded by Dr. Beverly Ogden
Motion passed unanimously

IX. Licensure for grossing tissue specimens (Histotechnologists and Histotechnicians)

Histotechnologists and histotechnicians are not licensed under the Clinical Laboratory Licensure law; thus the committee can take no action.

As a point of information, the CLPC could inform the LSBME know that there is a void in licensure that allows histotechnologists and histotechnicians to perform grossing of specimens. Dr. Ogden will research this issue and report back to the CLPC at the next meeting.

X. Licensure for Pathology Assistants

A letter was received by Ms. Jarreau from a pathology assistant stating that PA licensure should be required. The CLPC stated that Ms. Jarreau should respond to the PA and thank him/her for the letter but point out that licensure in Louisiana is a regulatory process and that the appropriate mechanism for instituting licensure would be through the Louisiana legislature and not the venue of the CLPC.

XI. Out of State Laboratories – Licensure for Lab Directors

Currently there is no licensure requirement. Dr. Ogden will investigate and report back at the next CLPC meeting.

XII. Respiratory Therapists performing moderate complexity testing

The CLPC opinion is that respiratory therapists can perform moderate complexity testing as a part of their scope of practice as long as the tests are performed on the same instrument and at the same time as the blood gases without a license as a laboratory assistant. If the blood gases are not reported, respiratory therapists cannot report moderate complexity laboratory tests independent of blood gases.

XIII. Specimen preparation and testing personnel

This question was raised specific to cytotechnology and questions where preparation ends and testing starts. Unlicensed individuals cannot manipulate specimens. If these procedures are high complexity, laboratory assistants cannot perform; must be a licensed individual. Even if procedures are performed on an automated instrument, automation cannot negate errors in specimen preparation.

XIV. Fines for working without a license

The LSBME is attempting to standardize fines for working without a license across the disciplines under LSBME supervision. Their recommendation is that for first

offense the fine is 2 times the annual licensure fee times the number of years practiced without a license up to a maximum of \$500.

The CLPC agrees with this standardization practice but questions the process for subsequent offenses. The CLPC also questions whether this fine should apply to the hiring personnel (lab director/medical director) which may or may not be under the scope of the CLPC.

XV. Act 655 Complaints – Board required to post notice regarding complaints about Board actions or procedures on communications

Every email from the Board will have a statement on the bottom as to how to make a complaint.

XVI. Continuing Education Audits

Ms. Jarreau provided committee members with copies of this information provided by those audited for compliance for 2018. She stated that this is only a part of the individuals to be audited and that additional ones will be provided at the next CLPC meeting. Committee members reviewed the information provided and determined which met the requirements and which did not. Ms. Jarreau will contact those not in compliance with requirements to retain licensure.

XVII. Executive Session

There was a motion to enter executive session.

Motion by Dr. Beverly Ogden
Seconded by Dr. Larry Broussard
Motion unanimous

Upon completion of the executive session, a motion was considered to adjourn executive session.

Motion by Dr. Beverly Ogden
Seconded by Dr. Larry Broussard
Motion unanimous

XVIII. Rules for adding items to agenda

An individual desiring to add an item to the agenda must present item to CLPC and all members present must agree to add the item.

XIX. Other business

There was no other business to be considered.

XX. Proposed meeting dates

Ms. Jarreau will send out a Doodle poll to determine the best date for the first meeting of 2019.

XXI. Adjourn

Motion to adjourn by Dr. George Roberts
Seconded by Ms. Gaye Brunson
Motion approved unanimously
Meeting adjourned at 1:20 PM

Draft minutes Submitted by George Roberts, Secretary CLPC
11-10-2018

Minutes approved with typographical corrections.
03-23-2019